

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JOSE LEYVA MARTINEZ,

Plaintiff,

vs.

ADVANCED CORRECTIONAL
HEALTHCARE,

Defendant.

8:22CV209

MEMORANDUM AND ORDER

On June 13, 2022, the Plaintiff filed his Complaint under 42 U.S.C. § 1983, [Filing No. 1](#), as well as a Motion for Leave to Proceed *in forma pauperis*, [Filing No. 2](#), and a Motion to Appoint Counsel, [Filing No. 4](#). On June 15, 2022, the Court ordered Plaintiff to file a signed copy of his Complaint within 15 days or his Complaint may be stricken from the record of this case, [Filing No. 7](#), to which he did not comply. On July 6, 2022, the Court further ordered Plaintiff to file a signed copy of his Complaint, requiring Plaintiff to file a signed copy of his Complaint within 30 days or his case would be dismissed without prejudice and without further notice. [Filing No. 8](#). To date, Plaintiff has not filed a signed copy of his Complaint or taken any other action in this matter.

IT IS THEREFORE ORDERED that:

1. This matter is dismissed without prejudice because Plaintiff failed to prosecute it diligently and failed to comply with this Court's orders.
2. In light of the dismissal of Plaintiff's Complaint, the pending motions to proceed *in forma pauperis*, [Filing No. 2](#), and to appoint counsel, [Filing No. 4](#), are denied as moot.
3. The Court will enter judgment by a separate document.

Dated this 15th day of August, 2022.

BY THE COURT:

A handwritten signature in black ink, appearing to read "J F Bataillon". The signature is stylized with a large, circular initial "J" and a long, horizontal stroke extending to the right.

Joseph F. Bataillon
Senior United States District Court